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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SECURITIES AND EXCHANGE  
COMMISSION,

Plaintiff,

v.

RAMESH "SUNNY" BALWANI,

Defendant.

CASE NO. 18-CV-01603-BLF

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH HOLMES and  
RAMESH "SUNNY" BALWANI,

Defendants.

CASE NO. 18-CR-00258-LHK\_

**NOTICE OF RELATED CASES  
IN A CRIMINAL ACTION**

The United States hereby files this notice of related cases pursuant to Criminal Local Rule 8-1,  
as it believes that the above-captioned cases are related within the meaning of the rule. The first

1 captioned case (18-CV-01603-BLF), a civil securities case, charges defendant Ramesh “Sunny” Balwani  
2 with violations of the federal securities laws, and contains allegations related to his employment at  
3 Theranos, Inc.<sup>1</sup> At trial, this case would likely involve testimony from Theranos’s investors concerning  
4 alleged misrepresentations made to them in the course of their investments. Throughout the course of  
5 this litigation, the Court would likely become familiar with the business of Theranos, its technology, and  
6 its recruitment of investors.

7 The second case (18-CR-00258-LHK), a criminal fraud case, charges Elizabeth Holmes and  
8 Ramesh “Sunny” Balwani with violations of federal criminal conspiracy and fraud laws, and contains  
9 allegations regarding their employment at the same company, Theranos, Inc. This criminal case alleges  
10 fraud committed against investors as well as Theranos’s patients. At trial, this case, too, would likely  
11 involve testimony from Theranos’s investors concerning alleged misrepresentations made to them in the  
12 course of their investments. Similarly, the Court would likely become familiar with the business of  
13 Theranos, its technology, and its recruitment of investors.

14 These two cases involve one or more of the same defendants and overlapping, and in some  
15 instances the same, events, occurrences, and transactions. In addition, both actions appear likely to  
16 entail substantial duplication of labor if heard by different Judges or might create conflicts and  
17 unnecessary expenses if conducted before different Judges. For the above reasons, the government  
18 believes that assignment of the above-captioned cases to a single District Judge will conserve judicial  
19 resources and promote efficient determination of the action.

20 The first case, 18-CV-01603-BLF, is pending before Judge Freeman, and is the “earliest” filed  
21 matter within the meaning of the Local Rules. Rule 8-1(e) provides that **the Judge assigned to the**

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<sup>1</sup> The Securities and Exchange Commission filed a separate action, Securities and Exchange Commission v. Holmes et al 18-CV-01608-EJD, against Elizabeth Holmes and Theranos, Inc. This matter was closed on March 27, 2018.

earliest-filed case shall issue an order that indicates whether the later-filed case is related or not, and if the case is related, whether the later-filed case is to be reassigned to that Judge.

DATED: June 15, 2018

Very truly yours,

ALEX G. TSE  
Acting United States Attorney

/s/  
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JEFF SCHENK  
Assistant United States Attorney